

## BOARD OF SELECTMEN

Minutes of the Meeting of 21 March 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Kopko, Catherine Flanagan Stover and Whiting Willauer. Chairman Willauer called the meeting to order at 6:00 PM.

Announcements. Town Administrator Libby Gibson announced the current four-way stop at the Surfside and Fairgrounds Roads intersection. She recognized Dale Gary and Diane Holdgate for their hard work in preparing the DPW application leading to the Town's Tree City USA designation for the seventh year, a significant achievement.

Public Comment. Ms. Gibson advised the Board of the Harbor Plan Review Committee's need for additional time to review the extensive comments received from the public.

Public Hearing Regarding the Final Draft of the Nantucket and Madaket Harbors Plan (continued from 2/21/07) The Board consented to move the harbor plan public hearing agenda item to the first item of business. Chairman Willauer opened the public hearing. Marine Superintendent Dave Fronzuto provided a status report, noting 70 pages were received from the public and is under review by the committee. He added that additional time is needed for review and asked for continuation of the public hearing at which time the draft plan will come to the Board for approval before being forwarded to the state. He added that Annual Town Meeting warrant articles will be moving forward with publicity to follow. Ms. Stover moved to continue the public hearing to April 18, 2007. Mr. Bennett seconded. So voted unanimously. Mr. Fronzuto spoke briefly on the two harbor-related warrant articles. Planning Director Andrew Vorce provided information on the Planning Board motions to the articles. Town Counsel Paul DeRensis provided comment on public landings and public ownership.

Approval of Payroll Warrant for Week Ending 18 March 2007. Mr. Bennett moved to approve the payroll warrant. Ms. Stover seconded. So voted unanimously.

Approval of Treasury Warrant and Pending Contract for Week Ending 21 March 2007. Ms. Gibson described the pending contract that allows the current Comcast Cable license to continue until a new one is finalized. Mr. Bennett moved to approve the treasury warrant and pending contract. Mr. Kopko seconded. So voted unanimously.

### Citizen/Departmental Requests

1. Liquor Licensee: Request for Approval of Change of Manager from Denis Barquinero to Eric Landt for Nantucket Island Management, LLC dba Brant Point Grill/White Elephant for the Premises Located at 50 Easton Street, Nantucket, Massachusetts. Amanda Fant, representing Eric Landt of the White Elephant, spoke in favor of the request. Mr. Bennett moved to approve the request for change of manager to Eric Landt. Ms. Stover seconded. So voted unanimously.

2. Town Administration: Request for Approval of 2007 Seasonal Liquor License Renewals. Town Administrator Libby Gibson introduced the matter and noted a recent inquiry regarding setting hours for liquor licensees. Mr. Chadwick moved to schedule a public hearing to discuss that matter on April 18, 2007. Mr. Kopko seconded. So voted with Mr. Chadwick, Mr. Kopko, Ms. Stover and

Chairman Willauer voting in favor. Mr. Bennett voted in opposition. Mr. Chadwick moved to approve the seasonal liquor licenses to include any restrictions currently in place. Mr. Bennett seconded. So voted unanimously.

3. Town Administration: Request for Acceptance of Grants of Easement for Sewer Purposes by Owners of Parcels on Old South Road and Pine Crest Drive. Ms. Gibson provided background information on the easements, required for the Old South Road sewer construction, which is to be repaid through betterment assessments. Mr. Bennett moved to acquire by acceptance of easements certain interests in real estate for sewer purposes for the following: a permanent and temporary sewer easement granted by Thomas H. Jr. & Sherry A. Coffin at 8 Pine Crest Drive; a permanent and two temporary sewer easements granted by Stephen & Jennifer A. Paradis at 22 Pine Crest Drive; a permanent and temporary sewer easement granted by Edward F. Jr. & Tammy L. King at 39 Pine Crest Drive; a permanent and two temporary sewer easements granted by Joan Bunting at 4 Pine Crest Drive; a permanent and two temporary sewer easements granted by Jeffrey Kaschuluk at 86A Old South Road; a permanent and two temporary sewer easements granted by Jeffrey Kaschuluk at 88 Old South Road; a permanent and temporary sewer easement granted by C. Jacqueline Seidel at 23 Pine Crest Drive; a permanent and two temporary sewer easements granted by Julie Bunting at 96A Old South Road; a permanent and two temporary sewer easements granted by Jeffrey L. & Deborah M. Willett at 18 Pine Crest Drive; a permanent and two temporary sewer easements granted by Pauline O. Latham at 26 Pine Crest Drive; a permanent and two temporary sewer easements granted by Brian Dodge and Pamela Moffitt Dodge at 31 Pine Crest Drive; a permanent and two temporary sewer easements granted by James F. Jr. & Deborah B. Bennett at 14 Pine Crest Drive; a permanent and a temporary sewer easement granted by Ann M. Egan at 11 Pine Crest Drive; a permanent and a temporary sewer easement granted by James F. Egan at 15 Pine Crest Drive; and a permanent and two temporary sewer easements granted by Kyle David & Lori S. Snell at 3 Pine Crest Drive.) Mr. Chadwick seconded. So voted unanimously.

4. Nantucket Land Council: Request for Execution of Conservation Restriction for Premises Located Along Quidnet Road. Nantucket Land Council Executive Director Cormac Collier spoke in support of the restriction of approximately 32 acres. Discussion followed on the Town's requested bicycle path easement and for underground utilities and NLC consent to provide a ten-foot wide right of way along the northerly side of Quidnet Road as per a document to be recorded once approved by the County Commission. Ms. Stover moved to approve and execute the conservation restriction for the described premises as it is in the public interest, contingent on recording of the aforementioned bicycle path/underground utility easement, which is also in the public interest. Mr. Bennett seconded. So voted unanimously. Planning Director Andrew Vorce noted public interest and his understanding confirmed by NLC Associate Director Lynn Zimmerman regarding the NLC's openness to bicycle path design options to be developed in the future, which may exceed the granted right-of-way. Mr. Vorce explained that this modification may be necessary to avoid important landscape elements such as trees or rare/endangered plants, minimize grade changes and be more compatible with the rural character of the area.

Public Hearings

1. Public Hearing to Consider Transfer of Common Victualler, Entertainment and Seasonal All Alcoholic Beverage Innholder Licenses from Michael's at The Summer House, LLC dba The Summer House Restaurant to Andre Associates, LLC dba The Summer House Restaurant, Charles Salliou, Manager for the Premises Located at 1 Magnolia Avenue, Sconset, Massachusetts. Chairman Willauer opened the public hearing. Attorney John Brazilian, representing the applicant, spoke in favor of the transfer requests. No one spoke in opposition. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the transfers to include any current restrictions in place. Ms. Stover seconded. So voted unanimously.

2. Public Hearing to Consider Transfer of Common Victualler, Entertainment and Seasonal All Alcoholic Beverage Restaurant Licenses from Gardenia Associates, LLC dba The Summer House Beachside Bistro to Beachside Associates, LLC dba Summer House Beachside Bistro, Charles Salliou, Manager for the Premises Located at 17 Ocean Avenue, Sconset, Massachusetts. Chairman Willauer opened the public hearing. Attorney John Brazilian, representing the applicant again, spoke in favor of the transfer requests. No one spoke in opposition. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the transfers to include any current restrictions in place. Mr. Chadwick seconded. So voted unanimously.

3. Public Hearing to Consider Increase of Private Pay Rates at Our Island Home. Chairman Willauer opened the public hearing. Ms. Gibson spoke in favor of the rate increases for Our Island Home Administrator Pamela Meriam who was absent due to illness. No one spoke in opposition. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve an increase of the private room rate from \$280/day to \$300/day and the semi-private room rate from \$260/day to \$280/day. Mr. Kopko seconded. So voted unanimously.

4. Public Hearing to Consider the Application of Robert Garrison for a Private Shellfish Grant for an Area Located near Pimny's Point. Chairman Willauer opened the public hearing. Mr. Chadwick recused himself from the meeting. Marine Superintendent Dave Fronzuto provided information about the aquaculture license application process, criteria and subsequent steps. He recommended the Board grant approval at this point for a remand to the Conservation Commission and the Corps of Engineers before it comes back to the Board of Selectmen for final licensing approval. Discussion followed on the species and particulars of the shellfishing grant. Attorney Rhoda Weinman, representing Abram's Point Realty Trust, spoke in opposition and asked for a continuation of the matter until May. Applicant Rob Garrison spoke in favor of the application, noting his educational and professional background in aquaculture and the benefits of shellfish aquaculture in line with the existing and pending harbor plans and plans to ensure a successful project. He clarified the parameters of the shellfish grant and requested approval to be able to proceed to the next step. Discussion followed on opportunities for further public input. Attorney Kevin Dale spoke in opposition, noting the statute and the Board's discretion at granting the license, with restrictions to follow and noted private rights to be "impaired and impeded." Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the application to move forward to the Conservation Commission for the next step. Discussion followed on the terms of the license to be determined. Mr. Kopko withdrew his motion. Mr. Bennett moved to continue the public

hearing to May 16. Mr. Kopko seconded. Discussion followed on site use and Mr. Fronzuto agreed to determine the suitability of the proposed site. Discussion continued on the requirement of the Board to act on the application within 60 days. There was no vote. Mr. Garrison consented to withdraw his application at this time and to resubmit it for a potential public hearing in May 2007.

5. Public Hearing to Consider Application for Public Assembly Permit and One-Day Entertainment License for Nantucket Walk for Autism Research Scheduled for August 25, 2007. Chairman Willauer opened the public hearing. Activity organizer Gene Mahon provided information about and spoke in favor of the proposed event. No one spoke in opposition. Chairman Willauer closed the public hearing. Ms. Stover moved to approve the public assembly permit application. Mr. Kopko seconded. So voted unanimously. Mr. Chadwick rejoined the meeting.

6. Public Hearing to Consider Nantucket Electric Company Petition for Conduit Locations from West Chester Street to Old Westmoor Farm Road. Chairman Willauer opened the public hearing. National Grid representative Steve Holdgate spoke in favor of the request and noted the pole number referenced in the petition is 32, rather than 31. He noted an alternate path exists, but added that brush cutting would be required for that route. Chairman Willauer noted a letter received in opposition from Donna Hoffman. Attorney Rick Beaudette, representing Westmoor Farms LLC, the entity requesting the work, noted no objection by his clients for the alternate route and his clients' willingness to replace vegetation as needed. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the petition as described to employ the alternate submitted by Ms. Hoffman. Mr. Bennett seconded. Mr. Holdgate indicated National Grid's acceptance of the change. So voted unanimously.

7. Public Hearing to Consider Nantucket Electric Company and Verizon New England, Inc, Petition for Joint Pole Relocation at Milestone Road (from Sconset Hydrangea Development Driveway). Chairman Willauer opened the public hearing. National Grid representative Steve Holdgate spoke in favor. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the petition as described. Ms Stover seconded. So voted unanimously.

8. Public Hearing to Consider Nantucket Electric Company and Verizon New England, Inc, Petition for Joint Pole Re-Location at Baxter Road (from 3 Baxter Road). Chairman Willauer opened the public hearing. National Grid representative Steve Holdgate, provided background information on this citizen request and the proposed relocation. Attorney Melissa Philbrick, representing the property owner at 3 Baxter Road spoke in favor of the relocation, noting the neighbor's approval of the move. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the petition as described. Ms. Stover seconded. So voted unanimously.

9. Public Hearing to Consider Appeal of Scott Valero and Meghan Valero of Historic District Commission Approval of Certificate of Appropriateness No. 49527 with Regard to Property Located at 6-8 First Way, Nantucket, Massachusetts. Chairman Willauer noted withdrawal of the item.

10. Public Hearing Regarding the Final Draft of the Nantucket and Madaket Harbors Plan (continued from 2/21/07) This matter was addressed earlier in the meeting.

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Town Administrator's Report

1. Request for Acceptance of Gift from Siasconset Beach Preservation Fund. Ms. Gibson advised that the Sconset Beach Preservation Fund has provided \$32,000 in funds to cover the cost for consultant review of the SBPF beach erosion control project. Mr. Kopko moved to accept the gift on the Town's behalf for the purpose described. Ms Stover seconded. So voted unanimously.

Selectmen's Reports. None.

The meeting adjourned at 7:40 PM.

Approved the 4<sup>th</sup> day of April 2007.